

In re Patent Application of:
GORTY ET AL.
Serial No. 10/767,571
Filing Date: January 29, 2004

REMARKS

Claims 1-33 remain in this application. No claims have been cancelled. No claims have been amended.

Applicants thank the Examiner for the detailed study of the application and prior art. Applicants note the rejection of all claims as anticipated under 35 USC §102(e) by published U.S. patent application no. 2005/0039048 to Tosey.

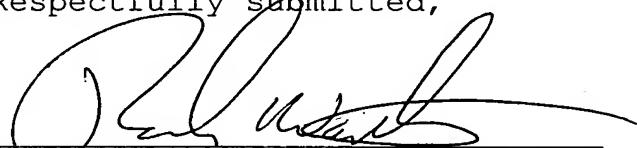
Applicants submit a 131 Declaration that proves that the inventors conceived and reduced to practice the subject matter of this patent application while working in their offices in the United States at TeamOn Systems, Inc., 1180 NW Maple Street, Issaquah, Washington 98027, prior to August 7, 2003, the effective date of U.S. patent application publication no. 2005/0039048 to Tosey.

The Declaration sets forth the facts and circumstances of the conception and reduction to practice and sets forth in Exhibit 1 details of the functional specification that was drafted before August 7, 2003. The functional specification shown in Exhibit 1 indicates the type of details and software engine that would make polling efficient to retrieve UID's from a source, such as in reverse chronological order. Technical details of the optimization for the system and method are also set forth. This functional specification indicates that the inventors had worked out many of the details of the claimed invention to determine the best operating manner. In a few weeks after this functional specification was completed, the inventors reduced to practice and implemented the software for operation, all occurring before August 7, 2003.

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Applicants contend that the present case is in condition for allowance and respectfully requests that the Examiner issue a Notice of Allowance and Issue Fee Due. If the Examiner has any questions or suggestions for placing this case in condition for allowance, the undersigned attorney would appreciate a telephone call.

Respectfully submitted,


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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: **MAIL STOP AMENDMENT,**
COMMISSIONER FOR PATENTS, P.O. BOX 1450, ALEXANDRIA, VA
22313-1450, on this 14th day of June, 2005.



Julie Lala